

DEPARTMENT OF THE NAVY (DON) INTERIM PERFORMANCE APPRAISAL FORM

PRIVACY ACT STATEMENT

AUTHORITY: 5 U.S.C. Chapter 43 Performance Appraisal and BORN DPR 34.

PURPOSE(S): The information requested is used for performance planning and results reporting documentation requirements for the DON Interim Performance Management System for positions transitioned from NSPS to GS.

ROUTINE USES: The information provided in this form will only be accessed by command personnel with a defined need to know for the purpose of meeting the requirements of the DON Interim Performance Management System.

DISCLOSURE: Voluntary; however failure to provide the information requested may impede, delay or prevent further processing.

SECTION 1 - PERFORMANCE PLAN

PART A - ADMINISTRATIVE DATA

1. APPRAISAL PERIOD:		a. START DATE: 01 Oct 2015	b. END DATE: 08 Jul 2016
2. EMPLOYEE NAME (Last, First, Middle Initial): Lattin, Grant E.		3. EMPLOYEE ID: (b) (6)	
4. POSITION TITLE: Director, General Litigation Division		5. GENERAL SCHEDULE (GS) GRADE AND STEP: GS-15, Step 7	
6. ORGANIZATION: Office of the Judge Advocate General, Department of the Navy			

PART B - PERFORMANCE PLAN DOCUMENTATION

1. POSITION DESCRIPTION CERTIFICATION (to be completed by Rating Official)	<input checked="" type="checkbox"/> I certify that the employee's position description (PD) is current and accurate
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2. PLAN DOCUMENTATION

The following signature blocks document the required steps in the appraisal process. The Performance Plan column must be filled in upon initial development of the performance plan. Should any changes to the plan be made during the appraisal period, the Adjusted Elements column(s) on Page 2 will be filled in to reflect the information at the time of the change. The Progress Review column must be filled in upon completion of the required Progress Review. The Annual Assessment column must be filled in upon completion of the required Annual Assessment at the end of the appraisal period. Should a Close-out Assessment be required, the Close-out Assessment column(s) on Page 2 will be filled in to reflect the information at the time of the Close-out Assessment.

Once Senior Rating Official approves each part, fields in the part will be locked for further editing.

	PERFORMANCE PLAN	PROGRESS REVIEW	ANNUAL ASSESSMENT
MEANS OF DELIVERY:	Telephone	Telephone	
RATING OFFICIAL NAME, TITLE, ORGANIZATION:	Foster, Kirk A., AJAG (Civil Law), QJAG	Foster, Kirk A., AJAG (Civil Law), QJAG	FOSTER, KIRK A. AJAG-CIVIL LAW
RATING OFFICIAL SIGNATURE:	FOSTER, KIRK A. LAN (b) (6)	FOSTER, KIRK A. LAN (b) (6)	KOA
RATING OFFICIAL SIGNATURE DATE:	29 Oct 2015		17 JULY 2016
SENIOR RATING OFFICIAL NAME, TITLE, ORGANIZATION:	Foster, Kirk A., AJAG (Civil Law), QJAG		FOSTER, KIRK A. AJAG-CIVIL LAW
SENIOR RATING OFFICIAL SIGNATURE:	FOSTER, KIRK A. LAN (b) (6)		KOA
SENIOR RATING OFFICIAL SIGNATURE DATE:	29 Oct 2015		17 JULY 2016
Employee's Signature Implies Acknowledgement And Does Not Constitute Agreement With Content			
EMPLOYEE SIGNATURE:	LATTIN, GRANT E. (b) (6)	LATTIN, GRANT E. (b) (6)	Grant E. Lattin
EMPLOYEE SIGNATURE DATE:	29 Oct 2015	23 Mar 2016	26 July 2016

	CLOSE OUT ASSESSMENT 1	CLOSE OUT ASSESSMENT 2	CLOSE OUT ASSESSMENT 3	ADJUSTED ELEMENTS 1	ADJUSTED ELEMENTS 2	ADJUSTED ELEMENTS 3
MEANS OF DELIVERY:	Telephone					
RATING OFFICIAL NAME, TITLE, ORGANIZATION:	Foster, Kirk A., AJAG (Civil Law), OJAG					
RATING OFFICIAL SIGNATURE:	<i>Kirk A. Foster</i> AJAG CIVIL LAW					
RATING OFFICIAL SIGNATURE DATE:	17 Jul 2016					
SENIOR RATING OFFICIAL NAME, TITLE, ORGANIZATION:	Foster, Kirk A., AJAG					
SENIOR RATING OFFICIAL SIGNATURE:	<i>Kirk A. Foster</i> AJAG CIVIL LAW					
SENIOR RATING OFFICIAL SIGNATURE DATE:	Jul 17, 2016					
Employee Signature Implies Acknowledgement And Does Not Constitute Agreement With Content						
EMPLOYEE SIGNATURE:	<i>Grant E. Lettin</i>					
EMPLOYEE SIGNATURE DATE:	26 July 2016					
<p align="center">PART C - COMMAND USE</p> <p>Close Out Assessment also qualifies as Annual Assessment because the new Rating Official will have less than 90 days to observe/evaluate the Employee.</p>						

PART D - CRITICAL ELEMENT PERFORMANCE STANDARDS

A critical element performance standard is a general description of a level, requirement, or expectation of employee performance that must be met to be appraised at a particular level of performance. Performance standards are contained in Appendix C of the document Interim Performance Management System Covering Positions Transitioning to the General Schedule from NSPS and are defined by career stage - entry, journey, and expert. A single career stage will be used for all critical elements. The supervisory performance standard is used only for supervisory critical elements. Select the appropriate career stage below.

☐ Entry

☐ Journey

☒ Expert

Supervisory: Yes ☒ No ☐

Expert - Acceptable

- Delivered on each critical element with broad and significant impact that was in alignment with the mission and objectives of the organization as well as applicable authorities, standards, policies, procedures and guidelines anticipating and overcoming significant obstacles.
- Established priorities and coordinated work across projects, programs or people, balancing work demands and anticipating and overcoming obstacles to achieve a timely and positive outcome.
- Demonstrated high standards of professional conduct and represented the organization or work unit effectively.

Expert - Unacceptable

- Failed to achieve all or part of the stated critical element; or
- Failed in the accomplishment of priorities and coordination of work across projects, programs or people; consistently failed to balance work demands resulting in an untimely and unproductive product or event; or
- Demonstrated poor cooperation or inability to work with others.

Supervisory - Acceptable

- Achieved expected results by effectively carrying out established supervisory responsibilities.
- Demonstrated adequate EEO and Affirmative Action awareness in areas of supervision and leadership.
- Supported use of Alternative Dispute Resolution to resolve conduct and performance concerns at the lowest level and early timeframe to ensure the workplace provided a harmonious climate.
- Instituted measures to foster productivity and safety.
- Provided timely performance feedback at a minimum of two times during the performance cycle; took appropriate corrective action to address instances of inappropriate conduct and/or unacceptable performance.

Supervisory - Unacceptable

- Failed in the accomplishment of priorities and coordination across projects, programs, and people; consistently failed to balance work demands of employees resulting in untimely or unproductive products or events; or
- Failed to demonstrate adequate EEO and Affirmative Action awareness in areas of supervision and leadership; or
- Failed to support the use of Alternative Dispute Resolution to resolve conduct and performance concerns to ensure the workplace provides a harmonious climate; or
- Failed to provide timely performance feedback as required during the rating cycle or to take appropriate corrective action to address instances of inappropriate conduct and/or unacceptable performance.

ADD ADJUSTED ELEMENTS**PART E - CRITICAL ELEMENTS**

Critical elements are work assignments, goals, objectives, or responsibilities of such importance that unacceptable performance on the element would result in a determination that an employee's overall performance is unacceptable. A critical element must be sufficiently specific in nature so as to be understandable by the employee and assessable by a rating official, be comprehensive enough to span the entire rating period or a substantial portion thereof, and must be commensurate with the employee's grade, experience, and position requirements. A performance plan must have a minimum of two, but generally between three and five critical elements, that address individual expectations and goals.

CRITICAL ELEMENT 1 TITLE: SUPERVISORY RESPONSIBILITIES

Conduct supervisory duties in a timely, accurate manner, and per relevant policies and procedures. Appropriately evaluate civilian employee and military subordinate performance. Ensure that division personnel receive appropriate professional development and training. Communicate strategic plan to employees and take steps to ensure that employees understand how they contribute to successful achievement of the strategic goals. Prescribe significant duties that must be completed in the performance period by employees along with expected completion dates. Report to the Assistant Judge Advocate General for Civil Law, regarding all areas of responsibility under the cognizance of the General Litigation Division.

Manages an aligned, engaged, and high-performing team through leading by example and developing and executing a mission-aligned vision for the organization. Creates a positive, safe work environment that allows employees to excel. Upholds high standards of integrity and ethical behavior. Performs all supervisory duties including:

- (1) Ensuring compliance with applicable laws, regulations and policies including Merit System Principles and Prohibited Personnel Practices;
- (2) Effectively attracting and retaining a high-caliber workforce and acting in a responsible and timely manner on all steps in the recruitment and hiring process;
- (3) Providing opportunities for orientation and tools for enabling employees to successfully perform during the probationary period and beyond;
- (4) Identifying current and future position requirements to ensure that recruitment is appropriately focused and timely;
- (5) Completing all performance management tasks throughout the appraisal period, holding employees accountable, making meaningful distinctions in performance and regarding excellent performance, promoting employee development and training, and promptly addressing performance and conduct issues;
- (6) Acting as a good steward of public funds;
- (7) Maintaining a safe work environment and promptly addressing allegations of noncompliance;
- (8) Ensuring that Equal Employment Opportunity (EEO) principles are adhered to throughout the organization and promptly addressing allegations of discrimination, harassment, and retaliation;
- (9) Effectively develop and champion innovative ideas to improve the organization and create an environment that fosters innovation.

CRITICAL ELEMENT 2 TITLE: LITIGATION

Supervise and coordinate the processing of litigation cases assigned to Code 14. Desired results are: cases properly processed; information sources (i.e., files, database) are current and complete; and standard office procedures are followed. Ensure appropriate litigation support is properly provided to Department of Justice, including but not limited to, case strategy; legal research; drafting proper case documents for filing; participating in discovery and trials as requested by DOJ; and locating documents, evidence, and witnesses. There should be no more than 4 instances annually of tasks, requests or required reviews not being performed within established time-frames, no more than 5 instances of substantiated complaints or incorrect work product, unless beyond the control of the individual. Employee will take appropriate action to improve performance when more than 25% of the instances occur within any 3 month period.

CRITICAL ELEMENT 3 TITLE: FOIA APPEALS

Supervise, coordinate and adjudicate all FOIA/Privacy Act Appeals under the cognizance of the Judge Advocate General. Desired results are: appeals properly processed from receipt to adjudication, including but not limited to, decisions adequately researched and supported; information sources (i.e., files, database) are current and complete; and standard office procedures are followed. There should be no more than 4 instances annually of appeals, requests or required reviews not being processed within established time-frames or no more than 5 instances of substantiated complaints or incorrect work product, unless beyond the control of the individual. Employee will take appropriate action to improve performance when more than 25% of the instances occur within any 3 month period.

CRITICAL ELEMENT 4 TITLE: LITIGATION RISK ASSESSMENTS

Provide litigation risk assessments as requested. Ensure that legal positions, interpretations, and opinions provided to internal/

external clients regarding litigation issues and risks are timely, responsive, and comprehensive. Desired effects are: timely and comprehensive advice and legal opinions regarding the background, precedent, decisions, or other aspects of past actions, cases, or problems; well-developed positions on behalf of the client; accurate determination of the acceptability to the Navy of positions and proposals offered by opposing parties; cogent analysis of proposed and/or enacted legislation; and timely and accurate responses to inquiries. Within any three month period, there should be no more than three instances of exceeding deadlines unless beyond the control of the individual, no more than three instances of valid complaints by supervisor regarding exercise of management responsibilities, or no more than three instances of errors, incomplete or incorrect work product.

CRITICAL ELEMENT 5	TITLE:

DEPARTMENT OF THE NAVY (DON) INTERIM PERFORMANCE APPRAISAL FORM

PRIVACY ACT STATEMENT

AUTHORITY: 5 U.S.C. Chapter 43 Performance Appraisal and SORN DPR 34.

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SECTION 1 - PERFORMANCE PLAN

PART A - ADMINISTRATIVE DATA

1. APPRAISAL PERIOD:	a. START DATE: 01 Oct 2016	b. END DATE: 31 Mar 2017
2. EMPLOYEE NAME (Last, First, Middle Initial): Lattin, Grant E.	3. EMPLOYEE ID: (b) (6)	
4. POSITION TITLE: Director, General Litigation Division	5. GENERAL SCHEDULE (GS) GRADE AND STEP: GS-15, Step 7	
6. ORGANIZATION: Office of the Judge Advocate General, Department of the Navy		

PART B - PERFORMANCE PLAN DOCUMENTATION

1. POSITION DESCRIPTION CERTIFICATION (to be completed by Rating Official)	<input checked="" type="checkbox"/> I certify that the employee's position description (PD) is current and accurate
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2. PLAN DOCUMENTATION

The following signature blocks document the required steps in the appraisal process. The Performance Plan column must be filled in upon initial development of the performance plan. Should any changes to the plan be made during the appraisal period, the Adjusted Elements column(s) on Page 2 will be filled in to reflect the information at the time of the change. The Progress Review column must be filled in upon completion of the required Progress Review. The Annual Assessment column must be filled in upon completion of the required Annual Assessment at the end of the appraisal period. Should a Close-out Assessment be required, the Close-out Assessment column(s) on Page 2 will be filled in to reflect the information at the time of the Close-out Assessment.

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	PERFORMANCE PLAN	PROGRESS REVIEW	ANNUAL ASSESSMENT
MEANS OF DELIVERY:	Telephone	Telephone	
RATING OFFICIAL NAME, TITLE, ORGANIZATION:	Kiamos, Paul C., AJAG (Civil Law), OJAG	Kiamos, Paul C., AJAG (Civil Law), OJAG	
RATING OFFICIAL SIGNATURE:	KIAMOS PAUL CONS TANTINE (b) (6)	KIAMOS PAUL CONS TANTINE (b) (6)	
RATING OFFICIAL SIGNATURE DATE:		13 Jan 2017	
SENIOR RATING OFFICIAL NAME, TITLE, ORGANIZATION:	Kiamos, Paul C., AJAG (Civil Law), OJAG		
SENIOR RATING OFFICIAL SIGNATURE:	KIAMOS PAUL CONS TANTINE (b) (6)		
SENIOR RATING OFFICIAL SIGNATURE DATE:			
Employee Signature Implies Acknowledgement And Does Not Constitute Agreement With Content			
EMPLOYEE SIGNATURE:	LATTIN GRANT E (b) (6)	LATTIN GRANT E (b) (6)	
EMPLOYEE SIGNATURE DATE:	13 Oct 2016	13 Jan 2017	

	CLOSE OUT ASSESSMENT 1	CLOSE OUT ASSESSMENT 2	CLOSE OUT ASSESSMENT 3	ADJUSTED ELEMENTS 1	ADJUSTED ELEMENTS 2	ADJUSTED ELEMENTS 3
MEANS OF DELIVERY:	Telephone					
RATING OFFICIAL NAME, TITLE, ORGANIZATION:	Kiamos, Paul C., AJAG (Civil Law), OJAG					
RATING OFFICIAL SIGNATURE:	KIAMOS,PAUL, Digitally signed by KIAMOS,PAUL, E. (b) 6 Date: 2017.04.05 11:24:42 -0400					
RATING OFFICIAL SIGNATURE DATE:						
SENIOR RATING OFFICIAL NAME, TITLE, ORGANIZATION:	Kiamos, Paul C., AJA					
SENIOR RATING OFFICIAL SIGNATURE:	KIAMOS,PAUL, Digitally signed by KIAMOS,PAUL, E. (b) 6 Date: 2017.04.05 11:24:42 -0400					
SENIOR RATING OFFICIAL SIGNATURE DATE:	Apr 5, 2017					

Employee Signature Implies Acknowledgement And Does Not Constitute Agreement With Content

EMPLOYEE SIGNATURE:	LATTIN,GRANT E. Digitally signed by LATTIN,GRANT E. (b) (6) Date: 2017.04.05 11:43:09 -0400					
EMPLOYEE SIGNATURE DATE:	05 Apr 2017					

PART C - COMMAND USE

DoD is transitioning to a new civilian employee evaluation system (DPMAP) which will begin effective 1 Apr 17. Accordingly, this FY17 PAF is ending on 31 Mar 17 by using a Close-Out Assessment.

PART D - CRITICAL ELEMENT PERFORMANCE STANDARDS

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- (7) Maintaining a safe work environment and promptly addressing allegations of noncompliance;
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CRITICAL ELEMENT 4 TITLE: LITIGATION RISK ASSESSMENTS

Provide written or verbal litigation risk assessments as requested. Ensure that legal positions, interpretations, and opinions provided to internal/external clients regarding litigation issues and risks are timely, responsive, and comprehensive. Desired effects, as

applicable, are: timely and comprehensive advice and legal opinions regarding the background, precedent, decisions, or other aspects of past actions, cases, or problems; well-developed positions on behalf of the client; accurate determination of the acceptability to the Navy of positions and proposals offered by opposing parties; cogent analysis of proposed and/or enacted legislation; and timely and accurate responses to inquiries. Within any 3-month period, there should be no more than three instances of exceeding deadlines unless beyond the control of the individual, no more than three instances of valid complaints by supervisor regarding exercise of management responsibilities, or no more than three instances of errors, incomplete or incorrect work product.

CRITICAL ELEMENT 5	TITLE:

DEPARTMENT OF DEFENSE
CIVILIAN PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL

EMPLOYEE NAME: Lattin, Grant E
(Last, First, Middle Initial)

DoD ID NUMBER: (b) (6)

APPRAISAL YEAR (YYYY):

2018

PRIVACY ACT STATEMENT

AUTHORITY: 5 U.S.C. 43, Performance Appraisal; 5 CFR 430.205, Agency Performance Appraisals; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and DoDI 1400.25, Volume 431, DoD Civilian Personnel Management System: Performance Management and Appraisal Program; and DoDI 1400.25, Volume 1100, Civilian Human Resources Management Information Technology Portfolio.

PRINCIPAL PURPOSE(S): To document performance elements, associated performance standards, progress review(s) and ratings of record.

ROUTINE USE(S): Applicable Blanket Routine Use(s) are: Law Enforcement Routine Use, Disclosure When Requesting Information Routine Use, Disclosure of Requested Information Routine Use, Congressional Inquiries Routine Use, Disclosure to the Office of Personnel Management Routine Use, Disclosure to the Department of Justice for Litigation Routine Use, Disclosure of Information to the National Archives and Records Administration Routine Use, Disclosure to the Merit Systems Protection Board Routine Use, and Data Breach Remediation Purposes Routine Use. The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found online at:

<http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx>.

The applicable system of records notice is DPR 34 DoD, Defense Civilian Personnel Data System, located at:

<http://dpcld.defense.gov/Privacy/SORNsIndex/DODwideSORNArticleView/tabid/6797/Article/570697/dpr-34-dod.aspx>.

DISCLOSURE: Voluntary; however, if you are unable or unwilling to complete the administrative portion, your supervisor will complete it to ensure performance review is linked to individual performance, recognition, and awards.

INSTRUCTIONS FOR COMPLETING THE CIVILIAN PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL

Cover Sheet (Page 1): Enter the employee's full name, DoD ID number, and the current appraisal year. (Completed by employee or Rating Official/Supervisor)

PART A - Administrative Data. (Completed by employee and/or Rating Official/Supervisor.)

1. **Appraisal Period:** a. Enter the rating start date of the appraisal cycle. b. Enter the end date of the appraisal cycle. c. Enter the Effective Date of the Rating of Record. NOTE: The DoD Performance Management and Appraisal Program cycle is April 1 - March 31 with effective date June 1. The minimum evaluation period is 90 calendar days.
2. **Employee Name:** Enter the name of the employee (last, first, middle initial).
3. **DoD ID Number:** Number found on the back of Common Access Card (NOTE: Do not enter SSN).
4. **Position Title and Position Description Number:** Enter the official position title and official position description number found in block 15 of SF-50.
5. **Pay Plan/Occupational Code/Grade/Step:** Enter the employee's pay plan, occupational code (series), grade, and step as of the date the performance plan is established. May be found in blocks 16, 17, 18 and 19 of SF-50.
6. **Organization:** Enter the name of the employee's organization.
7. **Duty Station:** Enter the duty station found in block 39 of SF-50.

PART B - Acknowledgement of Performance Discussions. (Completed by employee, Rating Official/Supervisor and Higher Level Reviewer in accordance with DoDI 1400.25 Volume 431 and local policy.)

Enter full name, signature and date of acknowledgement by employee, rating official/supervisor and higher level reviewer as appropriate to document the communication of performance plan(s), progress review(s), modification(s) and rating(s) of record. If modification(s) to the performance elements and standards are required, enter date modification occurred.

PART C - DoD Core Values and Organizational Goals. (Completed by Rating Official/Supervisor and discussed with employee.)

DoD Core Values of Leadership, Professionalism, and Technical Knowledge. DoD Core Values and Component/Organization goals and mission statements will be discussed with employees and annotated on all performance plans in accordance with DoDI 1400.25, Volume 431.

PART D - Performance Element and Standards. (Completed by the employee and Rating Official/Supervisor.)

NOTE: Use the "Duplicate" button at the top of the page to duplicate this page for each element developed.

1. **Total Number of Elements.** Enter the total number of elements.
2. **Element Number.** Enter the corresponding number to the element against which the employee is being evaluated.
3. **Element Title.** Enter the title of the element.
4. **Effective Date.** Enter date the element was approved (whether initial establishment or newly modified - whichever is more recent).
5. **Element and Standard(s).** Write elements and associated standards that are clearly aligned with the organization's mission.
6. **Employee Input (optional).** Employees are encouraged to provide a written account of their accomplishments related to each element and associated standards provided in their performance plan. For example, the employee may describe how their contributions enabled mission accomplishment.
7. **Performance Element Narrative.** Supervisors are required to justify performance element ratings of "Outstanding" or "Unacceptable" with a narrative. A narrative is highly encouraged for "Fully Successful" element ratings. The performance narrative must address the employee's performance against the specific element. Employees are not given a performance narrative or performance elements ratings on progress reviews in accordance with DoDI 1400.25, Volume 431.

8. **Element Rating.** Mark (X) a rating for each element (5, 3, 1, or NR (Not Rated)).

NOTE: Review employee position descriptions to ensure they are relevant.

PART E - Performance Rating Summary. (Completed by Rating Official/Supervisor.) See below for column usage.

Element Number - From Part D block 2., number of the element(s) for which the employee is being evaluated (10 elements maximum).

Element Title - Enter title of element (refer to Part D block 3).

Element Rating - Enter the rating for the element (5, 3, or 1) (refer to Part D block 8).

Summary Rating: Summary Rating is obtained by adding the values in the Element Rating column and dividing by the number of rated elements (round to the nearest tenth). Enter the result in Block A1.

Rating of Record: Use the Summary Rating in block A1 to determine the Rating of Record in Block A2. Compare the A1 value to the Summary Level Chart to obtain the Rating of Record.

NOTE: When a rating on any element is "1" - Unacceptable, the overall Rating of Record shall be "1" - Unacceptable, regardless of the Summary Rating. Higher Level Review is required in accordance with DoDI 1400.25, Volume 431.

Continuation Sheet. If additional space is needed for general information, progress reviews, or responses, use this page and duplicate as needed. Each continuation sheet and item being continued must be numbered.

**DEPARTMENT OF DEFENSE
CIVILIAN PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL**

PART A – ADMINISTRATIVE DATA
(To be completed by Employee or Rating Official/Supervisor)

1. APPRAISAL PERIOD	a. START DATE (YYYYMMDD) 20170401	b. END DATE (YYYYMMDD) 20180331	c. RATING OF RECORD EFFECTIVE DATE (YYYYMMDD) 20180601
2. EMPLOYEE NAME (Last, First, Middle Initial) Lattin, Grant E		3. DoD ID NUMBER (b) (6)	
4. POSITION TITLE AND POSITION DESCRIPTION NUMBER SUPV ATTORNEY-ADVISER (GENERAL)		5. PAY PLAN/OCCUPATIONAL CODE/GRADE/STEP GS/0905/15/08	
6. ORGANIZATION NLSC		7. DUTY STATION WASHINGTON NAVY YARD / DISTRICT OF COLUMBIA / DISTRICT	

PART B – ACKNOWLEDGEMENT OF PERFORMANCE DISCUSSION
(Completed by Employee, Rating Official/Supervisor, and Higher Level Reviewer (Manager) in accordance with DoDI 1400.25, Volume 431)

	PERFORMANCE PLAN/ VALUES DISCUSSION	PROGRESS REVIEW	MODIFICATIONS (If applicable)	RATING OF RECORD
EMPLOYEE: Signature:	Grant E Lattin	Grant E Lattin	Grant E Lattin	
Date (YYYYMMDD)	20170426	20170929	20170929	
RATING OFFICIAL/ SUPERVISOR: Printed Name:	Kiamos, Paul C CAPT	Kiamos, Paul C CAPT	Kiamos, Paul C CAPT	
Signature:	Paul C Kiamos	Paul C Kiamos	Paul C Kiamos	
Date: (YYYYMMDD)	20170425	20170929	20170929	
Communication Method (face-to-face, telephone, other)	<input type="checkbox"/> Face-to-face <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Other:	<input type="checkbox"/> Face-to-face <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Other:	<input type="checkbox"/> Face-to-face <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Other:	<input type="checkbox"/> Face-to-face <input type="checkbox"/> Telephone <input type="checkbox"/> Other:
HIGHER LEVEL REVIEWER: Printed Name:	Kiamos, Paul C CAPT			
Signature:	Paul C Kiamos			
Date: (YYYYMMDD)	20170425			

MODIFICATION(S) TO PERFORMANCE ELEMENTS AND STANDARDS (If applicable): (Limited to 2,000 characters)

**DEPARTMENT OF DEFENSE
CIVILIAN PERFORMANCE PLAN, PROGRESS REVIEW(S), AND APPRAISAL**

EMPLOYEE NAME: Lattin, Grant E **DoD ID NUMBER:** (b) (6) **APPRAISAL YEAR (YYYY)** 2018
(Last, First, Middle Initial)

PART C - DoD CORE VALUES and ORGANIZATIONAL GOALS (Completed by Rating Official/Supervisor and discussed with employee.)
DoD Core Values of Leadership, Professionalism, and Technical Knowledge

DoD Core Values and Component/Organization goals and mission statements will be discussed with the employee and annotated on all performance plans in accordance with DoDI 1400.25, Volume 431. (Limited to 1,000 characters)

Organizational Goals:

- Individual integrity - and maintenance of our community's reputation for excellence - must guide all that we do.
- Courage, honesty and forthrightness are indispensable to the delivery of timely, accurate and responsive legal advice.
- Personal conduct must be irreproachable.
- Respect for others is paramount.

PART D - PERFORMANCE ELEMENT AND STANDARDS (Completed by the employee and Rating Official/Supervisor.)

1. TOTAL NUMBER OF ELEMENTS (Max 10 elements)	2. ELEMENT NUMBER	3. ELEMENT TITLE	4. EFFECTIVE DATE (YYYYMMDD)
4	1	SUPERVISORY 1	20170425

5. ELEMENT AND STANDARD(S) (Limited to 1,500 Characters)

Supervisory 1:

Performs all supervisory duties to include: (1) Ensures compliance with applicable laws, regulations and policies including Merit System Principles and Prohibited Personnel Practices; (2) Attracts and retains a high-caliber workforce and acts responsibly and timely on all steps in the recruitment and hiring process; (3) Provides orientation and tools enabling employees to successfully perform during the probationary period and beyond; (4) Identifies current and future position requirements to ensure recruitment is appropriately focused and is timely; and (5) Completes all performance management tasks in a timely manner clearly communicating performance expectations throughout the appraisal period, holding employees accountable, making meaningful distinctions in performance and rewarding excellent performance, promoting employee development and training, and addressing performance and conduct issues.

6. EMPLOYEE INPUT (Optional) (Completed by Employee - Limited to 2,000 characters)

7. PERFORMANCE ELEMENT NARRATIVE (Completed by Rating Official - limited to 2,000 characters)

8. ELEMENT RATING (X one):

☐ **5 - OUTSTANDING**
(Requires justification)

☐ **3 - FULLY SUCCESSFUL**

☐ **1 - UNACCEPTABLE**
(Requires justification)

☐ **NR - NOT RATED**

**DEPARTMENT OF DEFENSE
CIVILIAN PERFORMANCE PLAN, PROGRESS REVIEW(S), AND APPRAISAL**

EMPLOYEE NAME: Lattin, Grant E
(Last, First, Middle Initial)

**DoD ID
NUMBER:** (b) (6)

**APPRAISAL
YEAR (YYYY):** 2018

PART C - DoD CORE VALUES and ORGANIZATIONAL GOALS (Completed by Rating Official/Supervisor and discussed with employee)
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PART D - PERFORMANCE ELEMENT AND STANDARDS (Completed by the employee and Rating Official/Supervisor.)

1. TOTAL NUMBER OF ELEMENTS (Max. 10 elements) 4	2. ELEMENT NUMBER 2	3. ELEMENT TITLE Supervisory 2	4. EFFECTIVE DATE (YYYYMMDD) 20170929
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5. ELEMENT AND STANDARD(S) (Limited to 1,500 Characters)

Supervisory 2:

Leads an aligned, engaged, and high performing team. Creates a positive, safe work environment that allows employees to excel. Upholds high standards of integrity and ethical behavior. Ensures that EEO principles are adhered to throughout the organization and promptly addresses allegations of discrimination, harassment, and retaliation. Acts as a good steward of public funds. Maintains a safe work environment and promptly address allegations of noncompliance. Effectively develops and champions innovative ideas to improve the organization and create an environment that fosters innovation.

6. EMPLOYEE INPUT (Optional) (Completed by Employee - Limited to 2,000 characters)

7. PERFORMANCE ELEMENT NARRATIVE (Completed by Rating Official - limited to 2,000 characters)

8. ELEMENT RATING (X one):

☐ 5 - OUTSTANDING
(Requires justification)

☐ 3 - FULLY SUCCESSFUL

☐ 1 - UNACCEPTABLE
(Requires justification)

☐ NR - NOT RATED

**DEPARTMENT OF DEFENSE
CIVILIAN PERFORMANCE PLAN, PROGRESS REVIEW(S), AND APPRAISAL**

EMPLOYEE NAME: Lattin, Grant E
(Last, First, Middle Initial)

DoD ID NUMBER: (b) (6)

APPRAISAL YEAR (YYYY): 2018

PART C - DoD CORE VALUES and ORGANIZATIONAL GOALS (Completed by Rating Official/Supervisor and discussed with employee.)
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PART D - PERFORMANCE ELEMENT AND STANDARDS (Completed by the employee and Rating Official/Supervisor.)

1. TOTAL NUMBER OF ELEMENTS (Max. 10 elements)	2. ELEMENT NUMBER	3. ELEMENT TITLE	4. EFFECTIVE DATE (YYYYMMDD)
4	3	FOIA APPEALS	20170929

5. ELEMENT AND STANDARD(S) (Limited to 1,500 Characters)

FOIA Appeals:

Supervise, coordinate and adjudicate all FOIA/ Privacy Act Appeals under the cognizance of the Judge Advocate General. Desired results are: appeals properly processed from receipt to adjudication, including but not limited to, decisions adequately researched and supported; information sources (i.e., files, database) are current and complete; and standard office procedures are followed. There should be no more than five instances annually of appeals, requests or required reviews not being processed within established time frames unless there are appropriate justifications for such delays or no more than five instances of substantiated complaints or incorrect work product, unless beyond the control of the individual. Employee will take appropriate action to improve performance when more than 25% of the instances occur within any 3-month period.

6. EMPLOYEE INPUT (Optional) (Completed by Employee - Limited to 2,000 characters)

7. PERFORMANCE ELEMENT NARRATIVE (Completed by Rating Official - limited to 2,000 characters)

8. ELEMENT RATING (X one):

☐ 5 - OUTSTANDING
(Requires justification)

☐ 3 - FULLY SUCCESSFUL

☐ 1 - UNACCEPTABLE
(Requires justification)

☐ NR - NOT RATED

**DEPARTMENT OF DEFENSE
CIVILIAN PERFORMANCE PLAN, PROGRESS REVIEW(S), AND APPRAISAL**

EMPLOYEE NAME: Lattin, Grant E
(Last, First, Middle Initial)

**DoD ID
NUMBER:** (b) (6)

**APPRAISAL
YEAR (YYYY):** 2018

PART C - DoD CORE VALUES and ORGANIZATIONAL GOALS (Completed by Rating Official/Supervisor and discussed with employee.)
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PART D - PERFORMANCE ELEMENT AND STANDARDS (Completed by the employee and Rating Official/Supervisor)

1. TOTAL NUMBER OF ELEMENTS (Max. 10 elements)	2. ELEMENT NUMBER	3. ELEMENT TITLE	4. EFFECTIVE DATE (YYYYMMDD)
4	4	Litigation	20170929

5. ELEMENT AND STANDARD(S) (Limited to 1,500 Characters)

Litigation:

- Supervise and coordinate the processing of litigation cases. Ensure cases properly processed; information sources (i.e., files, database) are current and complete; and standard office procedures are followed. Ensure appropriate litigation support is properly provided to Department of Justice, including but not limited to, case strategy; legal research; drafting proper case documents for filing; participating in discovery and trials as requested by DOJ; and locating documents, evidence, and witnesses.
- Provide written or verbal litigation risk assessments as requested. Ensure that legal positions, interpretations, and opinions provided to internal/external clients regarding litigation issues and risks are timely, responsive, and comprehensive. Desired effects, as applicable, are: timely and comprehensive advice and legal opinions regarding the background, precedent, decisions, or other aspects of past actions, cases, or problems; well-developed positions on behalf of the client; accurate determination of the acceptability to the Navy of positions and proposals offered by opposing parties; and timely and accurate responses to inquiries.
- Within any 3-month period, there should be no more than three instances of exceeding deadlines unless beyond the control of the individual, three instances of valid complaints by supervisor regarding exercise of management responsibilities, or three instances of errors, incomplete or incorrect work product.

6. EMPLOYEE INPUT (Optional) (Completed by Employee - Limited to 2,000 characters)

7. PERFORMANCE ELEMENT NARRATIVE (Completed by Rating Official - limited to 2,000 characters)

8. ELEMENT RATING (X one):

☐ 5 - OUTSTANDING
(Requires justification)

☐ 3 - FULLY SUCCESSFUL

☐ 1 - UNACCEPTABLE
(Requires justification)

☐ NR - NOT RATED

Robert Hammond
707 Upham Place NW
Vienna, VA 22180
perseverance2013@aol.com

January 13, 2017

Submitted via: <https://foiaonline.regulations.gov/>

Subject: FOIA Request DON 18-BC –DON JAG Performance Standards of
Mr. G. E. LATTIN, Director General Litigation Division

References: (a) The Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended,
(b) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, “Your Right to Federal Records”
(c) The Privacy Act (“PA”) of 1974, 5 U.S.C. § 552a, *et seq.*, as amended
(d) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
(e) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program
(f) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program
(g) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
(i) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
(j) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports

Dear Sir:

I am submitting this request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended. If you deny all or any part of this request, please cite each specific exemption you think justifies your decision not to release the information and notify me of appeal procedures available under the law. References cited above apply.

***** This Request will be timely for Judicial Review in twenty working days. *****

RECORDS SOUGHT VIA FOIA.

1. For the government official identified as G. E. LATTIN, Director General Litigation Division, I am respectfully seeking the performance standards from 2016 to present. Note that I am not seeking the performance evaluations, only the performance standards. Other agencies have freely released this information for their personnel without charge. Lattin’s p prior performance standards were released. There should be no redaction of the rating officials who are all at the O6 level or above. Captain Paul C. Kiamos, DONJAG has claimed in a prior FOIA release to be Mr. Lattin’s supervisor.

2. I am also requesting that a copy of this FOIA Request (which is an agency record) be included as a responsive record integral to my Request.

REQUESTED FORMAT. I am requesting that documents provided as a single PDF file by return email with: (1) a signed and dated cover letter (citing my personally assigned requester control number); (2) with record page count for all records released records (3) a copy of this request in your reply. I seek records via email in PDF format with an imbedded copy of my requests to (1) impede the agency from not addressing the FOIA Request; (2) impede the Agency from not providing the documents stated in the Agency's letter reply, and (3) make it obvious in any subsequent review what the Agency has or has not done.

This request is distinctly separate from any other. Please do not combine this request with any other request in your reply. I am requesting that each element of the records sought be specifically addressed in the reply.

AGREEMENT TO PAY FEES. I agree to pay fees for searching or copying the records up to \$50. If the fees exceed this amount please advise me of the cost before proceeding. I do not believe that there should be any charge for providing these records, as there is public interest in government operations. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge." I would note that because I am requesting a PDF file, there should not be a per page copy fee. Also, please note that, should payment become necessary, the Coinage Act of 1965, specifically Section 31 U.S.C. 5103, entitled "Legal tender," states: "United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues."

PUBLIC INTEREST. The accuracy and integrity of FOIA processes and FOIA reporting are in the public interest. The subject of the requested records concerns "the operations or activities of the government." The disclosure is "likely to contribute" to an understanding of government operations or activities. There is no commercial interest. There is significant public interest.

DOD POLICY – PUBLIC TRUST.

Reference (c) states, "DoD personnel are expected to comply with the FOIA, this Regulation, and DoD FOIA policy in both letter and spirit. This strict adherence is necessary to provide uniformity in the implementation of the DoD FOIA Program and to create conditions that will promote public trust."

PRESERVATION OF RECORDS AND SEARCHES PERFORMED. Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer. Records of responsive searches would include but not be limited to: Searches conducted for each specific record sought and all

other records known to the Agency, including dates, manner of searching, responsible agent or employee conducting each search and the results thereof.

ALTERATION/DESTRUCTION OF RECORDS

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S. Code § 1519 - Destruction, alteration, or falsification of records. (Added Pub. L. 107–204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.)

LEGAL FRAMEWORK OF FOIA

1. The definition of “records” includes:

“[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made *or received* by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.” 44 U.S.C. § 3301 (emphasis supplied).

2. FOIA requires that “each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person” 5 U.S.C. § 552(a)(3)(A).

3. FOIA requires that “each agency shall establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request” 5 U.S.C. § 522(a)(7)(A).

4. FOIA requires that each agency shall “establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including the date on which the agency originally received the request; and an estimated date on which the agency will complete action on the request. 5 U.S.C. § 522(a)(7)(B).

5. FOIA also requires federal agencies to make a final determination on FOIA administrative appeals that it receives within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal, unless the agency expressly provides notice to the requester of “unusual circumstances” meriting additional time for responding to a FOIA request. 5 U.S.C. § 552(a)(6)(A)(ii).

6. FOIA expressly provides that a person shall be deemed to have constructively exhausted their administrative remedies if the agency fails to comply with the applicable time limitations provided by 5 U.S.C. § 552(a)(6)(A)(I) - (ii). *See also* 5 U.S.C. § 552(a)(6)(C).

7. FOIA provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.

8. Regarding the names of the FOIA requesters, the courts have held that under the FOIA requesters do not have an expectation of privacy. *Stauss v. IRS*, 516 F. Supp. 1218, 1223 (D.D.C. 1981),

9. Under FOIA, the federal agency has the burden of sustaining its actions. 5 U.S.C. § 552(a)(4)(B).

10. Pursuant to FOIA, a Court may assess attorney fees and litigation costs against the United States if the Plaintiff prevails in an action thereunder. 5 U.S.C. § 552(a)(4)(E).

11. Department of Justice (DOJ) has issued a handbook addressing FOIA Annual Reports. *See DOJ, Handbook for Agency Annual Freedom of Information Act Reports*, "Disposition of FOIA Requests," (available at http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/departments_handbook_for_agency_annual_freedom_of_information_act_reports.pdf) ("DOJ Handbook").

12. Among other things, the DOJ Handbook states, "All requests (perfected and non-perfected), appeals, and consultations that were pending at any time during the relevant fiscal year [October 1st through September 30th] will be captured."

13. The DOJ Handbook also states:

"[E]ach agency is ultimately responsible for the accuracy and completeness of its Annual FOIA Report. It is therefore essential for agencies to take steps that will ensure that they are adequately tracking all of the information necessary to complete the Annual FOIA Report sections detailed below. Agencies that utilize a tracking or case management system for this purpose are responsible for ensuring that the system they are using can produce an accurate Annual FOIA Report that is in compliance with the law and Department of Justice guidance." DOJ Handbook, at 3.

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you very much in advance.

With my respect,



Robert Hammond